

1 Christopher M. Curran (*pro hac vice*)

2 ccurran@whitecase.com

3 Lucius B. Lau (*pro hac vice*)

4 alau@whitecase.com

5 Dana E. Foster (*pro hac vice*)

6 defoster@whitecase.com

7 White & Case LLP

8 701 Thirteenth Street, N.W.

9 Washington, DC 20005

10 Telephone: (202) 626-3600

11 Facsimile: (202) 639-9355

12
13 *Counsel to Defendants Toshiba Corporation,
Toshiba America, Inc.,
Toshiba America Consumer Products, LLC,
Toshiba America Information Systems, Inc.,
and Toshiba America Electronic Components, Inc.*

14
15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 (SAN FRANCISCO DIVISION)

18
19 IN RE: CATHODE RAY TUBE (CRT)
20 ANTITRUST LITIGATION

21 Case No. 07-5944 SC
22 MDL No. 1917

23 This Document Relates to:

24 Sharp Electronics Corp., et al. v.
25 Hitachi Ltd., et al., Case No. 13-cv-1173

26 Sharp Electronics Corp., et al. v.
27 Koninklijke Philips Elecs., N.V., et al.,
28 Case No. 13-cv-2776

**DECLARATION OF LUCIUS B. LAU
IN SUPPORT OF DEFENDANTS'
ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER SEAL
PURSUANT TO CIVIL LOCAL
RULES 7-11 AND 79-5(d)**

29 DECLARATION OF LUCIUS B. LAU IN SUPPORT OF DEFENDANTS' ADMINISTRATIVE MOTION
TO FILE DOCUMENTS UNDER SEAL PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)

30 Case No. 07-5944 SC
31 MDL No. 1917

1 I, Lucius B. Lau, hereby declare as follows:

2 1. I am an attorney with the law firm of White & Case LLP, attorneys for
3 Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba America Information
4 Systems, Inc., Toshiba America Consumer Products, LLC, and Toshiba America Electronic
5 Components, Inc. (collectively, the “Toshiba Defendants”). I make this declaration in
6 support of Defendants’ Administrative Motion to File Documents Under Seal Pursuant to
7 Civil Local Rules 7-11 and 79-5(d) (the “Motion to Seal”).

8 2. Except for those matters stated on information and belief, which I believe to be
9 true, I have personal knowledge of the facts set forth herein and, if called upon, could and
10 would competently testify thereto under oath.

11 3. On June 18, 2008, the Court approved a Stipulated Protective Order (Dkt. No.
12 306) (“Protective Order”) in this matter.

13 4. The Toshiba Defendants and other parties to this litigation have produced in
14 this action certain documents and information designated as either “Confidential” or “Highly
15 Confidential” pursuant to the Stipulated Protective Order.

16 5. On February 13, 2015, Defendants filed an administrative motion to seal the
17 following documents, pursuant to Civil Local Rules 7-11 and 79-5(d):

- 18 a. Designated portions of Defendants’ Joint Motion *In Limine* No. 9 to
19 Exclude Certain Expert Testimony of Jerry A. Hausman;
- 20 b. Exhibit A to the Lau Declaration which is the Expert Report of Jerry A.
21 Hausman, dated April 15, 2014, which has been designated as “Highly
22 Confidential” pursuant to the Protective Order;
- 23 c. Exhibit B to the Lau Declaration which is the Supplemental Expert
24 Report of Jerry A. Hausman, dated July 3, 2014, which has been
25 designated as “Highly Confidential” pursuant to the Protective Order;
26 and
- 27 d. Exhibit C to the Lau Declaration which is the Expert Rebuttal Report
28 of Jerry A. Hausman, dated September 26, 2014, which has been
 designated as “Highly Confidential” pursuant to the Protective Order.

DECLARATION OF LUCIUS B. LAU IN SUPPORT OF DEFENDANTS’ ADMINISTRATIVE MOTION
TO FILE DOCUMENTS UNDER SEAL PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)

Case No. 07-5944 SC
MDL No. 1917

1 6. Pursuant to Civil Local Rules 7-11 and 79-5(d), this Court's General Order
2 No. 62, Electronic Filing of Documents Under Seal, effective May 10, 2010, and the
3 Protective Order, the designated portions of Defendants' Motion *In Limine* No. 9 to Exclude
4 Certain Expert Testimony of Jerry A. Hausman, as well as Exhibits A, B, and C to the Lau
5 Declaration should be maintained under seal.

6 7. The expert reports listed in Paragraph 6 have been designated as "Highly
7 Confidential" pursuant to the Protective Order because they contain confidential, nonpublic,
8 and highly sensitive business information. I have conferred with the other Defendants and
9 determined that Exhibits A, B, and C contain quotes from, and/or summarize confidential,
10 nonpublic, proprietary and highly sensitive business information, including, among other
11 commercially sensitive business information and strategies, confidential information about
12 the Defendants' sales processes, business practices, internal practices, confidential business
13 and supply agreements, and competitive positions. Upon information and belief, publicly
14 disclosing this sensitive information presents a risk of undermining the Defendants'
15 relationships, would cause harm with respect to the Defendants' competitors and customers,
16 and would put the Defendants at a competitive disadvantage.

17 8. Pursuant to Civil Local Rules 7-11 and 79-5(d), this Court's General Order
18 No. 62, Electronic Filing of Documents Under Seal, effective May 10, 2010, and the
19 Protective Order, the above-mentioned materials should be maintained under seal.

20 I declare under penalty of perjury under the laws of the United States of America that
21 the foregoing is true and correct.

22 Executed this 13th day of February, 2015, in Washington, D.C.

23
24
25
26
27
28



Lucius B. Lau

DECLARATION OF LUCIUS B. LAU IN SUPPORT OF DEFENDANTS' ADMINISTRATIVE MOTION
TO FILE DOCUMENTS UNDER SEAL PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)

Case No. 07-5944 SC
MDL No. 1917

CERTIFICATE OF SERVICE

On February 13, 2015, I caused a copy of “DECLARATION OF LUCIUS B. LAU IN SUPPORT OF DEFENDANTS’ ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)” to be electronically filed via the Court’s Electronic Case Filing System, which constitutes service in this action pursuant to the Court’s order of September 29, 2008.

/s/ *Lucius B. Lau*

Lucius B. Lau

White & Case LLP
701 Thirteenth Street, NW
Washington, DC 20005

**DECLARATION OF LUCIUS B. LAU IN SUPPORT OF DEFENDANTS' ADMINISTRATIVE MOTION
TO FILE DOCUMENTS UNDER SEAL PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)**

Case No. 07-5944 SC
MDL No. 1917